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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,706	06/05/2006	Kiichi Kusunoki	NNA-105-B	4899
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YOUNG BASILE 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084			EXAMINER KHATIB, RAMI	
			ART UNIT 3663	PAPER NUMBER
			NOTIFICATION DATE 10/14/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com
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Office Action Summary**Application No.**

10/581,706

Applicant(s)

KUSUNOKI, KIICHI

Examiner

RAMI KHATIB

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-3,5-9,11-15,17-23 and 25 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-3,5-9,11-15,17-23 and 25 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-886)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/03/2010 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "each movement distance sensor must move its associated additional adjustable component" in Lines 20-21. There is insufficient antecedent basis for this limitation in the claim. The applicant claims a plurality of movement distance sensors associated with the first adjustable component and is silent about movement distance sensors associated with the additional adjustable components in Lines 10-15.

4. Claims 2-3, 5-9, and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being dependent on claim 1.

5. Claims 5, 11, 17 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant claims in claims 1, 7, 13, and 19 that an interlocked state is when the vehicle is not moving and a non-interlocked state is when the vehicle is moving, then the applicant claims in claims 5, 11, 17, and 25 that an interlocked state can occur when the position of the shift lever is neutral, this limitation is not true because the vehicle can be on a hill, and if the position of the shift lever is neutral and the brakes are not applied, the vehicle will be in a non-interlocked state, i.e. the vehicle will move.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 5, 7, 9, 11, 13, 15, 17, 19-20, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judic et al US 5,812,399 (hence Judic'399) in view of Ohki et al US 2002/0033297 A1 (hence Ohki'297).

8. In re claims 1, 7, 13 and 19, Judic'399 discloses the claimed invention including:

- a vehicle (Fig.4)

- (a) a first adjustable component adjustable by an operator, the first adjustable component configured to adjust in a plurality of bi-directions (Fig.1, #1, #5, P and R, and Fig.2, #13, and #14)
- (b) a plurality of additional adjustable components each configured to adjust in a plurality of bi-directions (Fig.1, #4, #7, Q and S, angle of inclination can have a plurality of different values)
- (d) a plurality of movement-distance sensors, one movement-distance sensor associated with each bi-direction that the first adjustable component can move, wherein the movement-distance sensors each generates an output signal indicative of a distance and direction moved to achieve a new position of the first adjustable component (Col.2, line 40 – Col.3, Line 35), wherein the controller is configured to compute a new position of each of the plurality of additional adjustable components on the basis of the new position of the first adjustable component, and based on each new position, calculates the distance and direction each movement-distance sensor must move its associated additional adjustable component to achieve the new position (Col.2, line 40 – Col.3, Line 35, Col.4, Lines 11-14, and Col.5, Line 38—Col.6, Line 8)
- (e) a motor associated with each bi-direction of each adjustable component, wherein the controller actuates each of the motors associated with the additional adjustable components to move the additional adjustable components in the calculated direction the calculated distance to obtain the

new positions (Fig.1, #9-12, and Col.2, line 40 – Col.3, Line 35, Col.4, Lines 11-14, and Col.5, Line 38—Col.6, Line 8)

9. However, Judic'399 doesn't explicitly disclose the following:
 - (c) a controller configured to receive vehicle signals and determine at least an interlocked state, wherein the vehicle is not moving, and a non- interlocked state, wherein the vehicle is moving, from the vehicle signals
 - (d) wherein the controller, when in the interlocked state, is responsive to the output signal of the movement-distance sensor sensors, and wherein the controller, when in the non-interlocked state, is not responsive to the output signal of the at least one movement-distance sensor
10. Nevertheless, Ohki'297 discloses a vehicle driving position adjusting device and teaches the following:
 - (c) a controller configured to receive vehicle signals and determine at least an interlocked state, wherein the vehicle is not moving, and a non- interlocked state, wherein the vehicle is moving, from the vehicle signals (Fig.1a, S1, and Fig.5a, "vehicle information, engine rotational number signal, vehicle speed signal")
 - (d) wherein the controller, when in the interlocked state, is responsive to the output signal of the movement-distance sensor sensors, and wherein the controller, when in the non-interlocked state, is not responsive to the output signal of the at least one movement-distance sensor (Paragraphs 0039-0041)

11. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Judic'399 reference with the vehicle driving position adjusting device, as taught by Ohki'297, in order for adjusting positions of a steering wheel, a seat, a pedal, and other devices which are related to a driver's driving position based on a selected standard physique characteristic curve (Ohki'297, Paragraphs 0002 and 0009).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time the invention was made.

12. In re claims 3, 9, 15, and 23, Judic'399 teaches the following:

- the controller is further configured to compute the distance and the direction to obtain the desired new position by multiplying a prescribed coefficient by the distance and the direction that the first adjustable component has moved, each prescribed coefficient based on a predetermined relationship between each additional adjustable component and the first adjustable component (Fig.3, and Col.4, Line 26 – Col.5, Line 29)

13. In re claims 5, 11, 17, and 25, Ohki'297 teaches the following:

- the interlocked state occurs when one or more of the vehicle speed is zero, the position of the shift lever is in park, the position of the shift lever is neutral, and the parking brake is on (Paragraph 0041) and the non-interlocked state

occurs when all of the vehicle speed is not zero (Paragraph 0040), the position of the shift lever is not in park, the position of the shift lever is not in neutral and the parking brake is off (Fig.4, vehicle information and engine rotational number signal)

14. In re claim 20, Judic'399 teaches the following:

- the first adjustable component is a driver's seat, and the detected direction and associated distance of adjustment is measured as the direction and distance traveled by the seat in a first bi-direction, the direction and distance traveled by the seat in a second bi-direction, and the direction and distance traveled by the seat back (Fig.1)

15. Claims 2, 6, 8, 12, 14, 18, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judic'399 and Ohki'297 as applied to claims 1, 7, 13 and 19 above, and further in view of Tashiro et al US 4,707,788 (hence Tashiro'788).

16. In re claims 2, 8, 14 and 22, the combination of Judic'399 and Ohki'297 teaches the following:

- the first adjustable component is a driver's seat having three movement-distance sensors (Judic'399, Fig.1)
- the additional adjustable components are selected from the group consisting of: a steering wheel having two movement-distance sensors (Fig.4, #7, 8, 9, and 10), a right door mirror, a left door mirror (Fig.4, #14, 15, and 16)

17. Nevertheless, the combination of Judic'399 and Ohki'297 doesn't explicitly teaches the following:

- a right door mirror having two movement-distance sensors, a left door mirror having two movement-distance sensors, and an interior mirror having two movement distance sensors

18. Nevertheless, Tashiro'788 discloses an automatic adjuster for automobile driver equipment and teaches the following:

- a right door mirror having two movement-distance sensors, a left door mirror having two movement-distance sensors, and an interior mirror having two movement distance sensors (Fig.1, #8, 9, 10)

19. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Judic'399 and Ohki'297 reference with the automatic adjuster for automobile driver equipment, as taught by Tashiro'788, in order to provide an automatic adjuster for automobile driver equipment, i.e., an adjuster which can automatically set the seat, mirrors, and other equipment at optimum positions for individual drivers based on data stored in a computer (Tashiro'788, Col.1, lines 8-12).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time the invention was made.

20. In re claims 6, 12, 18, and 21 Tashiro'788 teaches the following:

- the first adjustable component is a first mirror surface that moves through a range of angular positions when adjusted by an operator; and the additional adjustable components include at least a second mirror surface that is adjustable through a range of angular positions; wherein the movement-distance sensor output is indicative of the change in the angular position of the first mirror surface (Fig.1, #8-10)

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMI KHATIB whose telephone number is (571)270-1165. The examiner can normally be reached on Monday-Friday/8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on (571) 272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. K./
Examiner, Art Unit 3663

/JACK KEITH/
Supervisory Patent Examiner, Art Unit 3663